

CITY OF AUSTIN, TEXAS

ORDINANCE NO. 960418- B

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1992 AS FOLLOWS:

TRACT 1: 3.994 ACRE TRACT OF LAND OUT OF THE L. C. CUNNINGHAM SURVEY NO. 63, FROM "SF-2" SINGLE-FAMILY RESIDENCE (STANDARD LOT) DISTRICT TO "CS-CO" GENERAL COMMERCIAL SERVICES DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT; AND,

TRACT 2: 2.521 ACRE TRACT OF LAND OUT OF THE L. C. CUNNINGHAM SURVEY NO. 63, FROM "SF-2" SINGLE-FAMILY RESIDENCE (STANDARD LOT) DISTRICT TO "CS-CO" GENERAL COMMERCIAL SERVICES DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

LOCALLY KNOWN AS 14411-14509 NORTH INTERSTATE HIGHWAY-35 (NORTHBOUND SERVICE ROAD) [ODD NUMBERS ONLY], IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE REQUIREMENTS OF SECTIONS 2-2-3, 2-2-5, AND 2-2-7 OF THE AUSTIN CITY CODE OF 1992; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That Chapter 13-2 of the Austin City Code of 1992 is amended to change the respective base zoning districts and to establish a Conditional Overlay combining district on all of the property described in File C14-95-0189, as follows:

Tract 1: From "SF-2" Single-Family Residence (Standard Lot) district to "CS-CO" General Commercial Services district-Conditional Overlay combining district.

3.994 acre tract of land out of the L. C. Cunningham Survey No. 63, said 3.994 acre tract of land being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes.

Tract 2: From "SF-2" Single-Family Residence (Standard Lot) district to "CS-CO" General Commercial Services district-Conditional Overlay combining district.

2.521 acre tract of land out of the L. C. Cunningham Survey No. 63, said 2.521 acre tract of land being more particularly described by metes and bounds in "Exhibit B" attached and incorporated herein for all purposes.

[hereinafter referred to as the "Property"]

locally known as 14411-14509 North Interstate Highway-35 (Northbound Service Road) [ODD NUMBERS ONLY], in the City of Austin, Travis County, Texas.

PART 2. That the Property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following condition:

Notwithstanding any other provision of the Land Development Code applicable to the Property on the effective date of this ordinance or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property, or any portion of the Property, shall be approved or released, and no building permit for construction of a building on the Property, shall be issued if the completed development or uses authorized by the proposed site plan or building permit, considered cumulatively with all existing or previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation of 2,000 vehicle trips per day.

CITY OF AUSTIN, TEXAS

Except as specifically restricted by this ordinance, the Property may be developed and used in accordance with regulations established for the respective base districts and other applicable requirements of the Land Development Code.

PART 3. That it is ordered that the Zoning Map established by Section 13-2-22 of the Austin City Code of 1992 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

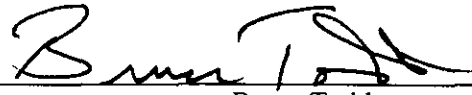
PART 4. That the requirements imposed by Sections 2-2-3, 2-2-5, and 2-2-7 of the Austin City Code of 1992, as amended, regarding the presentation and adoption of ordinances are hereby waived by the affirmative vote of at least five members of the City Council.

PART 5. That this ordinance shall become effective upon the expiration of ten days following the date of its final passage, as provided by the Charter of the City of Austin.

PASSED AND APPROVED:

April 18, 1996

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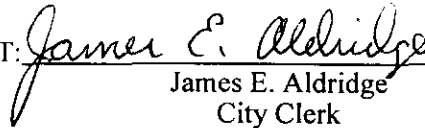
Bruce Todd
Mayor

APPROVED:



Andrew Martin
City Attorney

ATTEST:



James E. Aldridge
City Clerk

18Apr96
MT/jj

THE RIPPY SURVEYING COMPANY

P.O. BOX 15182
AUSTIN, TEXAS 78761
836-9115

CLINTON P. RIPPY
CLINTON L. RIPPY
REGISTERED PUBLIC SURVEYORS

FIELD NOTES

TRACT NO. 1

FIELD NOTES describing a parcel of land containing 3.994 acres out of the L.C. Cunningham Survey No. 63, abstract No. 163 in Travis County Texas, said 3.994 acre tract being more particularly described in a correction Warranty Deed found of record in Volume 9700, Pages 177-180 of the Travis County Deed Records, said 3.994 acre tract being more fully described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron stake found in the East Right-of-Way line of Interstate Highway No. 35, said iron stake being the Southwest Corner of Capital Memorial Park and being the Northwest Corner of this 3.994 acre tract as described in said Volume 9700, Pages 177-180:

THENCE with the north line of this 3.994 acre tract S 60° 20' 01" E 837.56 feet to a 1/2 inch iron stake found for the northeast corner of this tract:

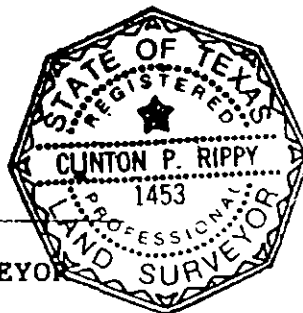
THENCE with the east line of this 3.994 acre tract S 29° 42' W 217.60 feet to a 1 inch iron pipe found for the southeast corner of this tract:

THENCE with the south line of this tract N 60° 22' 30" W 759.20 feet to a 5/8 inch iron stake found in the east Right-of-Way line of I.H. 35 for the southwest corner of this 3.994 acre tract:

THENCE with the east Right-of-Way line of I.H. 35 N 9° 56' 16" E 231.75 feet to the PLACE OF BEGINNING, containing 3.994 acres of land:

I hereby certify that the foregoing notes represent the results of a survey made on the ground, under my supervision according to law this the 29th day of November 1995.

Clinton P. Rippy
CLINTON P. RIPPY
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 14531



THE RIPPY SURVEYING COMPANY

P.O. BOX 15182
AUSTIN, TEXAS 78761
836-9115

CLINTON P. RIPPY
CLINTON L. RIPPY
REGISTERED PUBLIC SURVEYORS

FIELD NOTES

TRACT NO. 2

FIELD NOTES describing a parcel of land containing 2.521 acres (109,839 square feet) out of the L. C. Cunningham Survey No. 63 situated in Travis County, Texas, said 2.521 acres being more particularly described as being out of that certain 64.906 acre tract that was conveyed to Mark E. Wagner by deed of record in Volume 2249, Page 409 of the Travis County, Texas deed records, said 2.521 acre tract being more fully described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron stake found in the East Right-of-Way line of Interregional Highway No. 35, said iron stake being in the West line of said 64.906 Wagner Tract, it being also the Southwest Corner of that certain 3.994 acre tract of land that was conveyed to Capital Parks, Inc. by deed of record in Volume 9700, Page 177-180 of the Travis County deed records.

THENCE with the South line of said 3.994 acre tract S 60° 22' 30" E 759.20 feet to 1" inch iron pipe found at the Southeast corner of said 3.994 acre tract for the Northeast Corner of this 2.521 acre tract:

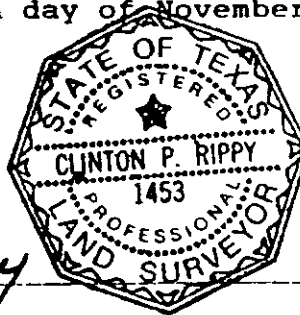
THENCE with the East line of this 2.521 acre tract S 29° 42' W 150.0 feet to a 5/8 inch iron stake set for the Southeast Corner of this 2.521 acre tract:

THENCE with the South line N 60° 22' 30 W 705.33 feet to a 5/8 inch iron stake set in the East line of said I.H. 35 for the Southwest corner of this 2.521 acre tract:

THENCE with the East line of I.H. 35 N 9° 56' 16" E 159.31 feet to the PLACE OF BEGINNING, containing 2.521 acres of land:

I hereby certify that the foregoing notes represent the results of a survey made on the ground, under my supervision according to law this the 29th day of November 1995.

Clinton P. Rippy
CLINTON P. RIPPY
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 1453



"Exhibit B"

[SEE NEXT PAGE FOR SKETCH ACCOMPANYING LEGAL DESCRIPTION]

I. H. 35

N 09° 56' 16" E
159.31'

N 09° 56' 16" E
231.75'

PLACE OF BEGINNING
TRACT No. 1

PLACE OF BEGINNING
TRACT No. 2

N 60° 22' 30" W 759.20'

S 60° 22' 30" E 759.20'

N 60° 22' 30" W 705.33'

S 60° 20' 01" E 837.56'

3.994 ACRES
TRACT No. 1

2.521 ACRES
TRACT No. 2

150.00'

217.60'

S 29° 42' 00" W

S 29° 42' 00" W

1" IRON PIPE FOUND

DATE: 11-29-95

SCALE: 1" = 100'

○ = IRON PIN FOUND

● = IRON PIN SET

PLACE OF BEGINNING

TRACT No. 1

TRACT No. 2

3.994 ACRES

2.521 ACRES

150.00'

217.60'

S 29° 42' 00" W

S 29° 42' 00" W

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PLACE OF BEGINNING

TRACT No. 1

TRACT No. 2

3.994 ACRES

2.521 ACRES

150.00'

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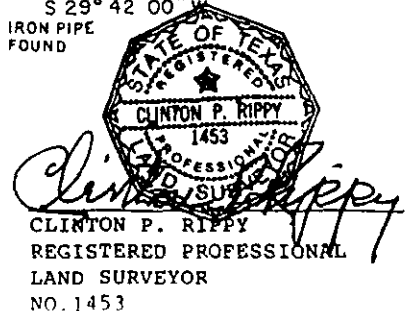
S 29° 42' 00" W

S 29° 42' 00" W

1" IRON PIPE FOUND

DATE: 11-29-95

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE EXCEPT AS SHOWN HEREON, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY. EXCEPT AS SHOWN HEREON.



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PO#: 960418B
Ad ID#: 4PQ201500
Acct #: 4992499

Austin American-Statesman

Acct. Name: City Clerk

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared:

David DeVargas

Classified Advertising Agent of the *Austin American-Statesman*, a daily newspaper published in said County and State that is generally circulated in Travis, Hays, Burnet and Williamson Counties, who being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit:

Date (s): April 26th, 1996
Class: 9980 Lines: 33 Cost: \$81.18

and that the attached is a true copy of said advertisement.

David DeVargas

SWORN AND SUBSCRIBED TO BEFORE ME, this the 26th day of Apr, 1996.



Sharon Janak
Notary Public in and for
TRAVIS COUNTY, TEXAS

Sharon Janak
(Type or Print Name of Notary)

My Commission Expires: 11/10/99

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ITIONAL OVERLAY COMBINING
DISTRICT, LOCALLY KNOWN AS
"DOWNTOWN" AND PROVIDING
AN EFFECTIVE DATE
MAYOR BRUCE TODD
AUSTIN, TEXAS